

**STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD**

**DIVISION OF WATER RIGHTS**

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**In the Matter of License 6449 (Application 15082)  
Georgia-Pacific West, Inc.**

**ORDER**

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**SOURCE:** Pudding Creek

**COUNTY:** Mendocino

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**ORDER AMENDING THE LICENSE BY ADDING MEASURING DEVICE  
REQUIREMENTS, CONTINUING AUTHORITY TERM, WATER QUALITY TERM  
AND AN ENDANGERED OR THREATENED SPECIES TERM**

**WHEREAS:**

1. License 6449 was issued to Union Lumber Company on February 23, 1962, pursuant to Application 15082 and was recorded with the County Recorder of Mendocino County in Book 589, Page 523 on February 23, 1962.
2. The Division of Water Rights (Division) conducted an inspection of the project covered by License 6449 on October 10, 2000. The Division has determined that in order to ensure continued compliance with the terms and conditions of License 6449, the licensee shall install an in-line flow meter and maintain monthly records of water diverted under this license.
3. The inspection also revealed that a reservoir staff gage is not in place on the reservoir at Pudding Creek. Therefore, a reservoir staff gage shall be installed in the reservoir at Pudding Creek and monthly reservoir elevation records shall be maintained.
4. The State Water Resources Control Board (SWRCB) will also add its continuing authority term, a term to protect water quality and a standard term to prevent any act which results in the taking of a threatened or endangered species that have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

THEREFORE:

1. The following measuring device and monitoring requirement of the amounts diverted under this license is added as follows:

No water shall be diverted under this license until the licensee installs and maintains an in-line flow meter, acceptable to the Division, capable of measuring the instantaneous rate and cumulative amount diverted under this license. Licensee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these monthly records with the triennial report of licensee, or whenever requested by the Division.

2. The following measuring device and monitoring requirement of the amounts diverted under this license is added as follows:

Licensee shall maintain in the reservoir a staff gage, satisfactory to the Chief of the Division of Water Rights, for the purpose of determining water levels in the reservoir. Licensee shall maintain a record of the end-of-the-month staff gage reading and shall submit these monthly records with the triennial report of licensee, or whenever requested by the Division.

3. The continuing authority condition shall be updated to read as follows:

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

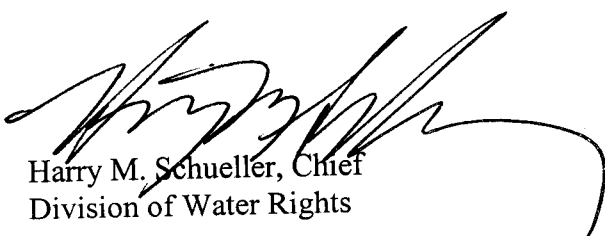
The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

4. A water quality term is added as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

5. An endangered species term is added as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.



Harry M. Schueller, Chief  
Division of Water Rights

Dated: **AUG 14 2001**



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 15082

PERMIT 9549

LICENSE 6449

THIS IS TO CERTIFY, That

Union Lumber Company  
620 Market Street  
San Francisco, California

Notice of Change (Over)

has made proof as of June 26, 1961,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
Pudding Creek in Mendocino County

tributary to Pacific Ocean

for the purpose of industrial use  
under Permit 9549 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from November 14, 1952  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed one (1.0) cubic foot per  
second by direct diversion to be diverted from January 1 to December 31 of each  
year and two hundred (200) acre-feet per annum by storage to be collected from  
about October 1 of each year to about June 30 of the succeeding year.

The total amount of water diverted to storage under this license and under Appli-  
cation 15083, Permit 9550 shall not exceed 200 acre-feet per annum.

The point of diversion of such water is located :

North twenty degrees east (N20°E) three thousand three hundred eighty (3380) feet  
from SW corner of Section 6, T18N, R17W, MDB&M, being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said  
Section 6.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 12, T18N, R18W, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

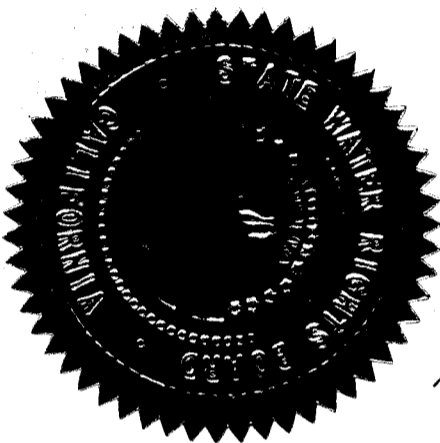
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: FEB 23 1962



*L. K. Hill*  
L. K. Hill  
Executive Officer

*12-29-69 Name chgd to Boise Cascade  
Timber Products*

*4-29-75* RECEIVED NOTICE OF ASSIGNMENT TO *Georgia Pacific Corporation*

LICENSE 6449  
STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Union Lumber Company

FEB 23 1962

DATED

JAN 16 '62 E.H.D.

47688 8-61 3M ① SPO